International Atomic Energy Agency
INFORMATION CIRCULAR

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COMMUNICATION OF 19 JUNE 1997 RECEIVED FROM THE RESIDENT REPRESENTATIVE OF THE PEOPLE'S REPUBLIC OF CHINA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

1. On 19 June 1997, the Director General received a letter dated 19 June 1997 from the Resident Representative of the People's Republic of China, regarding the continued participation of the Hong Kong Special Administrative Region of the People's Republic of China in the activities of the International Atomic Energy Agency as from 1 July 1997.

2. As requested by the Permanent Mission of the People's Republic of China, the text of the letter is attached hereto.

TEXT OF LETTER DATED 19 JUNE 1997 TO THE DIRECTOR GENERAL FROM THE RESIDENT REPRESENTATIVE OF CHINA

I am instructed by the Minister of Foreign Affairs of the People's Republic of China, with reference to the continued participation of the Hong Kong Special Administrative Region of the People's Republic of China in the activities of the International Atomic Energy Agency as from 1 July 1997, to inform Your Excellency of the following declaration of the Government of the People's Republic of China:

In accordance with the Joint Declaration of the Government of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland on the Question of Hong Kong signed in Beijing on 19 December 1984, the People's Republic of China will resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997. Hong Kong as an inalienable part of the territory of the People's Republic of China will, with effect from that date, become a Special Administrative Region of the People's Republic of China. The People's Republic of China will assume international responsibility for the Hong Kong Special Administrative Region.

The People's Republic of China is a member of the International Atomic Energy Agency. Accordingly, the Government of the People's Republic of China declares that, with effect from 1 July 1997, the Statute of the International Atomic Energy Agency shall apply to the Hong Kong Special Administrative Region. Representative of the Hong Kong Special Administrative Region Government may participate at the annual general meeting or special meetings of the International Atomic Energy Agency as members of the delegation of the Government of the People's Republic of China. In respect of requests made by the Hong Kong Special Administrative Region for attending certain scientific or technological meetings organized by the Agency, the Central People's Government of the People's Republic of China shall make appropriate arrangement according to the practical needs of the Hong Kong Special Administrative Region.

I am also instructed to declare that the "Revised Supplementary Agreement" signed by the Government of the People's Republic of China and the International Atomic Energy Agency whereby technical assistance from the Agency is received shall apply to the Hong Kong Special Administrative Region as from 1 July 1997.

I should be grateful if the contents of this Note could be placed formally on record and brought to the attention of other Member States of the International Atomic Energy Agency.

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COMMUNICATION OF 19 JUNE 1997 RECEIVED FROM THE RESIDENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

1. On 19 June 1997, the Director General received a letter dated 19 June 1997 from the Resident Representative of the United Kingdom of Great Britain and Northern Ireland, referring to the Revised Supplementary Agreement Concerning the Provision of Technical Assistance by the International Atomic Energy Agency to the Government of the United Kingdom of Great Britain and Northern Ireland on behalf of the Government of Hong Kong done at Vienna on 4 February 1983.

2. As requested by the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland, the text of the letter is attached hereto.

TEXT OF LETTER DATED 19 JUNE 1997 TO THE DIRECTOR GENERAL FROM THE RESIDENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

I am instructed by Her Britannic Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs to refer to the Revised Supplementary Agreement Concerning the Provision of Technical Assistance by the International Atomic Energy Agency to the Government of Great Britain and Northern Ireland on behalf of the Government of Hong Kong done at Vienna on 4 February, 1983 (hereinafter referred to as the "Agreement").

I am also instructed to state that, having regard to the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, signed in Beijing on 19 December 1984, the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997 and that the Government of the United Kingdom will have international responsibility for Hong Kong until that date.

I am further instructed to notify you that as a consequence of the above the Agreement will terminate on 1 July 1997.

I should be grateful if the contents of this Note could be placed formally on record and brought to the attention of other members of the International Atomic Energy Agency.

International Atomic Energy Agency
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COMMUNICATION OF 16 JUNE 1997 RECEIVED FROM THE PERMANENT MISSION OF CUBA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

1. The Director General has received a communication dated 16 June 1997 from the Permanent Mission of Cuba.

2. As requested by the Resident Representative of Cuba, the text of the communication as well as the attached circular letter, are being distributed for the information of Member States of the Agency.

TEXT OF COMMUNICATION OF 16 JUNE 1997 TO THE DIRECTOR GENERAL FROM THE RESIDENT REPRESENTATIVE OF CUBA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

I have the honour to attach herewith a Circular Letter disclosing the most recent actions being set in motion in the Congress of the United States of America regarding the Cuban nuclear programme, which directly affect not only my country but also the work of the International Atomic Energy Agency as a whole, and hence its Member States, just when we are preparing to celebrate the 40th anniversary of the Statute.

I should like to request that you take the appropriate steps to circulate this Letter amongst the Member States of the IAEA.

TEXT OF CIRCULAR LETTER OF 16 JUNE 1997

from the Permanent Mission of the Republic of Cuba to the International Atomic Energy Agency

The signing by the President of the United States of America in March 1996 of the so-called Helms-Burton Act, designed to intensify the blockade against Cuba in an extraterritorial and intrusive way, is an attempt, inter alia, to hinder and boycott the development of the Cuban nuclear programme.

The Republic of Cuba considers it appropriate to draw the attention of the Secretariat, the Board of Governors and the Member States of the International Atomic Energy Agency (IAEA) to this matter.

This Act includes an entire section entitled "Withholding of foreign assistance from countries supporting Juraguá nuclear plant in Cuba", in which, based on a set of suppositions and speculations about the safety of the Cuban nuclear power plant and Cuba's ability to operate it safely - none of which are substantiated by objective technical evaluation - it is stated:

> "... notwithstanding any other provision of law, the President [of the United States] shall withhold from assistance allocated, on or after the date of the enactment of this Act, for any country an amount equal to the sum of assistance and credits, if any, provided on or after such date of enactment by that country or any entity in that country in support of the completion of the Cuban nuclear facility at Juraguá, near Cienfuegos, Cuba."

In addition, and contrary to any principle of international co-operation in the field of the peaceful use of nuclear energy, the Act proposes:

> "In view of the threat to the national security [of the United States] posed by the operation of any nuclear facility [in Cuba]... the President [of the United States] should do all in his power to make it clear to the Cuban Government that: ... the completion and operation of any nuclear power facility ... will be considered an act of aggression which will be met with an appropriate response in order to maintain the security of the national borders of the United States and the health and safety of the American people."

These arrogant statements raise a number of questions, all of which necessarily ask what right the United States, as a Member State of the IAEA and a leading nuclear power, has to try and crush the Cuban nuclear programme and thus prevent access to the benefits of the peaceful applications of nuclear energy in the country's socio-economic development programmes, which are of considerable importance to the well-being of the Cuban people.

The Republic of Cuba, embroiled in a tenacious struggle for the survival of its social plan and indeed of the nation itself because of the unjust economic, commercial and financial blockade imposed for more than 35 years already by the Government of the United States of America, has been continuing to make great efforts to proceed with its nuclear programme, which has recognized peaceful aims and under which special attention has always been paid to the safety of the Juraguá nuclear plant.

The seriousness and transparency with which Cuba assumed its responsibilities with respect to the IAEA are well known. Our country has made continuous efforts, often in very difficult circumstances, to fulfil its obligations and participate actively in the Agency's programmes.

An important element in the application of nuclear techniques in various fields of economic and social development in the Republic of Cuba has been the technical assistance which the International Atomic Energy Agency has historically provided to our country.

The effective and efficient use of the resources provided through this technical assistance to Cuba has been recognized on numerous occasions by the corresponding bodies and levels of this international organization.

Despite this, we now face a renewed attempt to impose conditions on the technical assistance provided by the IAEA to its Member States, with approval being sought in the North American Congress for a new law whereby funds granted by that country to the Agency would be suspended in equal proportion to the assistance provided by the Agency to Cuba.

According to publicly available information, this new legislation proposes, inter alia, the following:

- That the representatives of the United States to the IAEA use their vote to oppose any Cuban programme or project related to the Juraguá nuclear plant or any other that could "threaten the security of the United States";

- That these representatives use their vote at the IAEA to change the designation of members of the Board of Governors in such a way as to limit it to States which have signed the Treaty on the Non-Proliferation of Nuclear Weapons, and;

- That the IAEA be requested to provide all the reports it prepares relating to projects or programmes which are of "concern" to the United States.

In view of this latest attempt, it is necessary to recall the legitimate right of each Member State of the IAEA, pursuant to its Statute, to participate in all and any programmes that are carried out and are of interest to it, which should in no way be affected by the actions of third parties.

The Republic of Cuba considers it appropriate officially to set down these considerations and also the assurance that it will continue to attach considerable importance and interest to the IAEA's work, and that Cuba will not be the one to put at risk the prestige and noble aims of such an important international organization. Likewise, the Government of the Republic of Cuba will take whatever steps it considers necessary to prevent actions of this kind flourishing in the IAEA.